



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Paper No. 9

Roger Proksch  
206 San Clemente  
Santa Barbara, CA 93109

In re Application of  
Roger Proksch  
Application No. 10/087,196  
Filed: February 28, 2002  
Attorney Docket No. :

**COPY MAILED**

**FEB 11 2004**

**OFFICE OF PETITIONS**

**DECISION GRANTING PETITION**

This is a decision on the petition filed January 29, 2004, under 37 CFR 1.10 requesting that the above-cited application be accorded a filing date of February 28, 2002, rather than the presently accorded filing date of March 1, 2002.

Petitioner alleges that the application was deposited with the Express Mail Service on February 28, 2002. In support of the allegation, the petition is accompanied by a copy of the Express Mail postcard with a tracking number ET103595955US showing a "date-in" of February 28, 2002. The tracking number cited is the same number found on the application transmittal sheet that accompanied the original application papers. The evidence is convincing that the application papers were deposited on February 28, 2002.

In view of the above, the petition is granted. The new filing date for the above-cited application is February 28, 2002.

The request that the correspondence address for the above-cited application be changed is noted, however; the request was not made the inventor, assignee, or an attorney of record. Petitioner must either file a power of attorney for Mr. Lebans or have the inventor, or assignee, authorize the change of address. In the interim, a courtesy copy of this decision is being mailed to the address as cited on the petition, but all future correspondence will be mailed solely to the address of record until appropriate written instructions to the contrary are received.

The Office of Initial Patent Examination will further process the application with a filing date of February 28, 2002, and issue a corrected filing receipt.

*In re Application of Roger Proksch*  
10/087,196

Page 2

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0010.



Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions

cc:

Thomas Lebans  
Sinsheimer, Schiebelhut & Baggett  
1010 Peach Street  
PO Box 31  
San Luis Obispo, CA 93406